

REMARKS

Status of the Claims:

This paper is in response to the Office Action mailed on October 16, 2007. Claims 1, 21, 22, 23, and 24 are amended. Claims 20, 28, and 31-54 are canceled. No new claims are added. As a result, claims 1-19, 21-27, and 29-30 are now pending in this application.

Claim 1 has been amended to incorporate the features of cancelled claim 28 that the Office Action indicated to contain allowable subject matter. As presently amended, claim 1 requires that water vapor be directed from a water vapor generator by means by means of a tensile membrane within the water vapor generator which exerts pressure directing water vapor from said water vapor generator to said hydrogen gas generator.

Claim 1 also now requires that the water vapor flow to the hydrogen generator be regulated by means of a porous plug or at least one valve. Support for this amendment is found at page 8, line 9 and page 9, line 13 of the specification.

No new matter has been added with these amendments.

Objections to Claims:

Claim 1 was objected to because of the following informalities: “there is no period at the end of the claim”.

Applicants believe that the present amendments to claim 1 correct this punctuation error.

Rejection of Claims Under 35 U.S.C. § 112:

I. Claim 24 was rejected under 35 U.S.C. § 112, first paragraph, as lacking adequate description or enablement. The Office Action indicates that that claim 24 recites porous plugs while claim 1 recites a valve.

Claim 1 has been amended to indicate that the electrical power generator comprises “a porous plug or at least one valve that regulates water vapor flow to the hydrogen gas generator”. Support for this amendment is found at page 8, line 9, and at page 9, line 13 of the specification. Claim 24 has been amended to reflect its dependency from amended claim 1.

II. Claims 20-23 were rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness. The Office Action indicates that claim 20 recites “[t]he power generator of claim

1 further comprising at least one valve”, however it is not clear if this is the valve already defined in claim 1.

Claim 20 has been cancelled and its subject matter incorporated into claim 1. Claims 21-23 have been amended to change their dependency to amended claim 1.

Allowable Subject Matter

The Office Action indicates that Claims 7 and 28 contain allowable subject matter as currently drafted but are subject to double patenting rejections as set forth in the Office Action..

Claim 1 has been amended to incorporate the subject matter of cancelled claim 28. Claim 1 now recites that the electrical power generator “further comprises a tensile membrane within the water vapor generator which exerts pressure directing water vapor from the water vapor generator to the hydrogen gas generator”. Applicants believe that this amendment obviates this rejection and claim 1 as amended is now allowable.

Rejection of Claims under 35 U.S.C. § 102:

III. Claims 31, 34, 36, 43, 47, 48 and 49 were rejected under 35 U.S.C. § 102(b) as being anticipated by Bailey, Jr. et al. (U.S. Patent 4,261,955).

This rejection is respectfully traversed. However, in the interest of furthering prosecution, claims 31, 34, 36, 43, 47, 48, and 49 have been cancelled. This rejection is therefore moot. Applicants reserve the right to file one or more continuing applications incorporating the subject matter of these claims.

IV. Claims 31, 34, 36, 39, 42, 43, 47, 48, 49 and 52 were rejected under 35 U.S.C. § 102(b) as being anticipated by Taschek (U.S. Patent 4,155,712).

This rejection is respectfully traversed. However, in the interest of furthering prosecution, claims 31, 34, 36, 39, 42, 43, 47, 48, 49, and 52 have been cancelled. This rejection is therefore moot. Applicants reserve the right to file one or more continuing applications incorporating the subject matter of these claims.

V. Claims 1-4, 6, 8, 10-15, 18-23, 25, 31, 33-45 and 49-52 were rejected under 35 U.S.C. § 102(b) as being anticipated by Kerrebrock et al. (U.S. Patent 5,372,617).

Claim 1 has been amended and is now believed allowable for the reasons stated above. Claims 2-4, 6, 8, 10-15, 18, 19, 21-23, and 25 depend from claim 1 and are believed allowable for the same reason. Claim 20 has been cancelled.

This rejection of claims 31, 33-45, and 49-52 is respectfully traversed. However, in the interest of furthering prosecution, these claims have been cancelled. The rejection of these claims is therefore moot. Applicants reserve the right to file one or more continuing applications incorporating the subject matter of these claims.

VI. Claims 31, 33-36, 43-45 and 49 were rejected under 35 U.S.C. § 102(b) as being anticipated by Werth (U.S. Patent 6,093,501).

This rejection is respectfully traversed. However, in the interest of furthering prosecution, claims 31, 33-36, 43-54, and 49 have been cancelled. The rejection of these claims is therefore moot. Applicants reserve the right to file one or more continuing applications incorporating the subject matter of these claims.

Rejection of Claims Under 35 U.S.C. § 103:

VII. Claims 5, 9 and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kerrebrock in view of WO 01/85606.

Claims 5 and 9 depend from claim 1 that has been amended and is now believed allowable, and these claims are believed allowable for the same reason.

The rejection of claim 32 is respectfully traversed. However, in the interest of furthering prosecution, claim 32 has been cancelled. The rejection of claim 32 is therefore moot. Applicants reserve the right to file one or more continuing applications incorporating the subject matter of claim 32.

VIII. Claim 16 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kerrebrock in view of Hoffman et al. (U.S. Patent 4,055,632). Claim 16 depends from claim 1 that has been amended and is now believed allowable, and this claim is believed allowable for the same reason.

IX. Claim 17 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kerrebrock in view of Hoffman et al. as applied to claim 16 above, and further in view of Suda (U.S. Patent 6,358,488).

Claim 17 ultimately depends from claim 1 that has been amended and is now believed allowable, and this claim is believed allowable for the same reason.

X. Claim 46 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Bailey, Jr. et al. in view of Lehmeier et al. (U.S. Patent 5,942,344).

This rejection is respectfully traversed. However, in the interest of furthering prosecution, claim 46 has been cancelled. The rejection of this claim is therefore moot. Applicants reserve the right to file one or more continuing applications incorporating the subject matter of cancelled claim 46.

XI. Claims 26 and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kerrebrock et al. in view of Lehmeier et al.

Claims 26 and 27 depend from claim 1 that has been amended and is now believed allowable, and these claims are believed allowable for the same reason.

XII. Claims 29 and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wood (U.S. Pre-Grant Publication no. 2003/0044656) in view of Bostaph et al. (U.S. Pre-Grant Publication No. 2002/0076589).

Claims 29 and 30 either directly or ultimately depend from claim 1 that has been amended and is now believed allowable, and these claims are believed allowable for the same reason.

Double Patenting Rejections:

XIII. Claims 31 and 33-52 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-14 of U.S. Patent No. 7,001,681. Applicants do not admit that the claims are obvious in view of U.S. Patent No. 7,001,681.

Applicants do not admit that the claims are obvious in view of U.S. Patent No. 7,001,681. However in the interest of furthering prosecution, claims 31, and 33-52 have been cancelled.

This rejection is therefore moot. Applicants reserve the right to file one or more continuing applications incorporating the subject matter of cancelled claims 31 and 33-52.

XIV. Claim 32 was rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-14 of U.S. Patent No. 7,001,681 in view of WO 01/85606.

Applicants do not admit that claim 32 is obvious in view of U.S. Patent No. 7,001,681. However, in the interest of furthering prosecution, claim 32 has been cancelled. This rejection is therefore moot. Applicants reserve the right to file one or more continuing applications incorporating the subject matter of cancelled claim 32.

XV. Claims 1-4, 6-8, and 10-30 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-6, 9-15, 18-21, and 36-41 of copending Application No. 11/247,435.

Applicants do not admit that claims 1-4, 6-8, and 10-30 are obvious in view of copending Application No. 11/247,435. However, a Terminal Disclaimer in compliance with 37 C.F.R. 1.321(b)(iv) is enclosed herewith to obviate these rejections.

XVI. Claims 5 and 9 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-6, 9-15, 18-21, and 36-41 of copending Application No. 11/247,435 in view of WO 01/85606.

Applicants do not admit that claims 5 and 9 are obvious in view of copending Application No. 11/247,435 in view of WO 01/85606. This rejection is respectfully traversed. These claims depend from claim 1 that has been amended and is now believed allowable, and these claims are believed allowable for the same reason.

XVII. Claims 1-4, 6-8, 10-31, and 33-52 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-28 of copending Application No. 10/907,294.

Applicants do not admit that claims 1-4, 6-8, and 10-30 are obvious over copending Application No. 10/907,294. However, a Terminal Disclaimer in compliance with 37 C.F.R. 1.321(b)(iv) is enclosed herewith to obviate these rejections.

Applicants do not admit that claims 31 and 33-52 are obvious in view of copending Application No. 10/907,294. However, in the interest of furthering prosecution, claims 33-52 have been cancelled. This rejection is therefore moot. Applicants reserve the right to file one or more continuing applications incorporating the subject matter of cancelled claims 31 and 33-52.

XVIII. Claims 5, 9, and 32 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-28 of copending Application No. 10/907,294 in view of WO 01/85606.

Claims 5 and 9 depend from claim 1 that has been amended and is now believed allowable, and these claims are believed allowable for the same reason. This rejection is respectfully traversed. These claims depend from claims 1 that is believed allowable, and these claims are believed allowable for the same reason.

Applicants do not admit that claim 32 is obvious in view of copending Application No. 10/907,294 in view of WO 01/85606. However, in the interest of furthering prosecution, claim 31 has been cancelled. This rejection is therefore moot. Applicants reserve the right to file one or more continuing applications incorporating the subject matter of cancelled claim 31.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants request reconsideration and withdrawal all rejections. Applicant respectfully submits that all pending claims are now in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 373-6961 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,
THOMAS M. REZACHEK ET AL.

By their Representatives,
SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6961

Date 01/15/2008

By Louis M. Leichter
Louis M. Leichter
Reg. No. 34,657

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 15th day of January 2008.

Dawn M. Poole
Name

Dawn M. Poole
Signature